

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

FREEDOM FROM RELIGION
FOUNDATION, INC., ANNE NICOL
GAYLOR, ANNIE LAURIE GAYLOR,
PAUL GAYLOR, DAN BARKER,
PHYLLIS ROSE, and JILL DEAN,

Plaintiffs,

v.

PRESIDENT BARACK OBAMA,
WHITE HOUSE PRESS SECRETARY
ROBERT L. GIBBS, WISCONSIN GOVERNOR
JIM DOYLE, and SHIRLEY DOBSON,
CHAIRMAN OF THE NATIONAL DAY
OF PRAYER TASK FORCE,

Defendants.

Case No. 08-CV-588

**FEDERAL DEFENDANTS' UNOPPOSED
MOTION FOR AN EXTENSION OF TIME TO FILE A
REPLY BRIEF IN SUPPORT OF THE FEDERAL DEFENDANTS'
MOTION TO DISMISS THE FIRST AMENDED COMPLAINT**

Defendants President Barack Obama and White House Press Secretary Robert L. Gibbs (hereinafter, "federal defendants"), by and through undersigned counsel, hereby seek a one-week extension of time, from Friday, April 17, 2009 to Friday, April 24, 2009, in which to file a Reply Brief in Support of the Federal Defendants' Motion to Dismiss the First Amended Complaint. On April 13, 2009, undersigned counsel contacted counsel for plaintiffs, Richard L. Bolton, Esq., who indicated that he had no objection to the relief requested herein. As grounds for this motion, the federal defendants state as follows:

1. The federal defendants filed their Motion to Dismiss the First Amended Complaint on March 9, 2009. See Dkt. 47 (03/09/2009).

2. On April 7, 2009, plaintiffs filed their brief in opposition to the motions to dismiss filed by the federal defendants and Shirley Dobson. See Dkt. No. 56 (04/07/2009).¹ Plaintiffs' opposition brief is over 70 pages long.

3. The federal defendants' request for an extension of time is based in part on undersigned counsel's obligations in another litigation matter pending in the United States District Court for the District of Columbia.

4. The federal defendants are also requesting an extension of time so that they may have adequate time to respond to the extensive treatment that plaintiffs have given to the constitutional and statutory issues raised by this case. Granting the federal defendants' motion for an extension of time will also allow counsel sufficient time for internal review of the Reply Brief.

5. The federal defendants request a modest, one-week extension of time in which to file their Reply Brief. The federal defendants have not previously requested an extension of time to file their Reply Brief, and granting that extension would not prejudice any of the parties in this litigation.

WHEREFORE, the federal defendants respectfully request that the Court grant them an extension of time through and including April 24, 2009, in which to file their Reply Brief in Support of the Federal Defendants' Motion to Dismiss the First Amended Complaint.

¹ That brief was re-filed the next day, containing descriptions of the nine exhibits attached to the brief. See Dkt. No. 57 (04/08/2009).

Dated: April 13, 2009

Respectfully submitted,

MICHAEL F. HERTZ
Acting Assistant Attorney General

JAMES GILLIGAN
Assistant Branch Director

/s/ Brad P. Rosenberg
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COUNSEL FOR DEFENDANTS
PRESIDENT BARACK OBAMA AND
WHITE HOUSE PRESS SECRETARY
ROBERT L. GIBBS

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2009, I electronically filed a copy of the Federal Defendants' Unopposed Motion for an Extension of Time to File a Reply Brief in Support of the Federal Defendants' Motion to Dismiss the First Amended Complaint using the ECF System for the Western District of Wisconsin, which will send notification of that filing to all counsel of record in this litigation.

/s/ Brad P. Rosenberg

Brad P. Rosenberg